

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: *EX PARTE* APPLICATION OF
GENERAL ELECTRIC CO.
FOR AN ORDER TO TAKE DISCOVERY
PURSUANT TO 28 U.S.C. § 1782.

Case No. _____

[PROPOSED] ORDER

This matter came before the Court on the “*Ex Parte* Application of General Electric Co. (‘GE’) for an Order to take Discovery Pursuant to 28 U.S.C. § 1782” (the “Application”) in aid of actions pending in Germany. GE seeks to issue two subpoenas to Siemens Gamesa Renewable Energy, Inc. In addition to the Application, the Court has considered GE’s memorandum of law in support of the Application, and the exhibits and declarations thereto.

This Court is authorized by 28 U.S.C. § 1782 to order a person to give testimony or produce documents for use in a foreign or international tribunal if: (1) the person from whom discovery is sought resides or is found in the district of the district court to which application is made; (2) the discovery is for use in a proceeding before a foreign or international tribunal; and (3) the application is made by a foreign or international tribunal or an interested person. *Chevron Corp. v. Shefftz*, 754 F. Supp. 2d 254, 259 (D. Mass. 2010). In determining whether to order such discovery the Court is to consider the following factors: (1) whether the person from whom discovery is sought is a participant in the foreign or international proceeding; (2) the receptivity of the international tribunal to receiving such evidence; (3) whether the application is an attempt to circumvent proof gathering restrictions; and (4) whether the requested discovery is unduly

intrusive of burdensome. *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 264-65 (2004).

The Court has determined that the foregoing factors have been satisfied for issuance of the Order requested. Accordingly, it is hereby Ordered that the Subpoenas on Siemens Gamesa Renewable Energy, Inc. requested by GE may be issued and served.

Dated: _____, 2022